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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PATRICK M. MCCOLLUM, et al.,  
Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION,  
et al.,  
Defendants.

Case No. C-04-3339 CRB (EDL)

**STIPULATION AND [PROPOSED]  
ORDER SETTING DISCOVERY  
SCHEDULE ON INMATE  
PLAINTIFFS' EXHAUSTION**

Magistrate Judge: Elizabeth D. Laporte

**STIPULATION**

Pursuant to Judge Breyer's order, the parties have met and conferred to establish a discovery schedule pertaining to inmate exhaustion of administrative remedies.

In the interests of efficiency and cooperation, IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that the following facts regarding the inmate plaintiffs' exhaustion of administrative remedies are not in dispute:

**Kenneth Capogreco**

1. Inmate Kenneth Capogreco fully exhausted inmate appeal No. SVSP-B-02-4401 when his Director's Level Appeal was denied on July 18, 2003. *See* AGO 1991-1992.

**Scott Collins**

1. Inmate Scott Collins fully exhausted inmate appeal No. SQ-02-1790 when his Director's Level Appeal was denied on November 15, 2002. *See* AGO 1908.
2. Inmate Scott Collins fully exhausted inmate appeal No. SQ-04-1760 when his Director's Level Appeal was denied on November 10, 2004. *See* AGO 1863.

**Ian Duncan**

1. Inmate Ian Duncan fully exhausted inmate appeal No. CCI-98-2782 when his Director's Level Appeal was denied on March 31, 1999. *See* AGO 4370-4371.
2. Inmate Ian Duncan fully exhausted inmate appeal No. CCI-S-00-00321 when his Director's Level Appeal was denied on September 8, 2000. *See* AGO 4316-4317.

**David Spooner**

1. Inmate David Spooner fully exhausted inmate appeal No. SAC-A-00-01355 when his Director's Level Appeal was denied on March 15, 2001. *See* AGO 4379-4380.

The parties agree to meet and confer again once discovery relating to inmate exhaustion is complete and, to the extent the parties agree on the status of exhaustion as to any particular grievance, the parties will identify grievances that are exhausted, grievances that are not exhausted, and grievances as to which the issue of exhaustion remains in dispute.

**PROPOSED SCHEDULE**

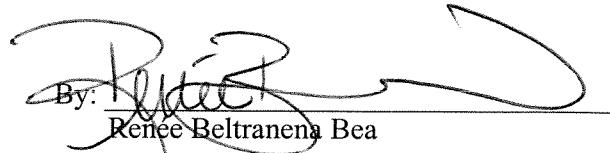
In addition, the parties stipulate to the following proposed schedule for propounding written discovery relating to inmate exhaustion:

|  |          |
|--|----------|
| Deadline to propound written discovery:  | 11/13/06 |
| Deadline for parties to provide written responses and/or seek a protective order:  | 1/12/07  |
| Deadline for document production associated with written discovery that is not subject to a motion for a protective order: | 2/16/07  |

The parties respectfully request that this Court approve the parties' stipulation and discovery schedule.

Dated: October 17, 2006

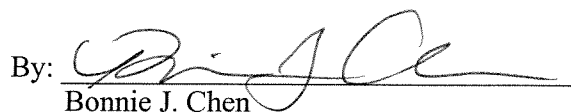
JONES DAY

By:   
Renee Beltranena Bea

Attorney for Plaintiffs

Dated: October 12, 2006

DEPUTY ATTORNEY GENERAL OF THE  
STATE OF CALIFORNIA

By:   
Bonnie J. Chen

Attorney for Defendants

**[PROPOSED] ORDER**

Having considered the parties' proposed stipulation regarding plaintiff inmates' exhaustion of administrative remedies and discovery schedule, the parties' stipulation is hereby approved.

**IT IS SO ORDERED.**

Dated: October 23, 2006

By:   
The Honorable Judge Elizabeth D. Laporte  
United States Magistrate Judge



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